

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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CHAZ J. F.,

Case No. 24-cv-96 (LMP/DLM)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

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James H. Greeman, **Greeman Toomey, Minneapolis, MN**, for Plaintiff.

Ana H. Voss, **United States Attorney's Office, Minneapolis, MN**, Molly Barry and Sophie Doroba, **Social Security Administration, Baltimore, MD**, for Defendant.

Plaintiff Chaz J. F. appeals the denial of his application for disability benefits by Defendant Carolyn W. Colvin, Acting Commissioner of the Social Security Administration (the "Commissioner"). *See* ECF No. 1. After receiving briefing from Chaz J. F. and the Commissioner, ECF Nos. 9, 11, United States Magistrate Judge Douglas L. Micko issued a Report and Recommendation ("R&R"), recommending that the Court reverse the Commissioner's decision denying benefits in part because substantial evidence in the record failed to support the Administrative Law Judge's residual functional capacity determination on Chaz J. F.'s ability to function independently. ECF No. 13 at 15–24. The R&R recommends remanding this matter to the Social Security Administration for additional consideration, specifically to consider appropriate functional limitations to

account for the structure and support that have been necessary to accommodate Chaz J. F.'s impairments. *See id.* at 24–25.

Neither party objected to the R&R, *see* Fed. R. Civ. P. 72(b)(2), so the Court reviews the R&R for clear error, *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (*per curiam*). Finding no clear error, the Court adopts the R&R, reverses the Commissioner's decision in part, and remands to the Social Security Administration for further proceedings.

### **CONCLUSION**

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Chaz J. F.'s motion for judgment on the administrative record (ECF No. 9) is **GRANTED IN PART AND DENIED IN PART**;
2. The Commissioner's motion for judgment on the administrative record (ECF No. 11) is **GRANTED IN PART AND DENIED IN PART**;
3. The Report and Recommendation (ECF No. 13) is **ADOPTED IN FULL**; and
4. The final decision of the Commissioner is **REVERSED IN PART**, and the matter is **REMANDED** to the Social Security Administration for further proceedings consistent with the Report and Recommendation (ECF No. 13).

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 13, 2025

*s/Laura M. Provinzino*  
Laura M. Provinzino  
United States District Judge